

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-092991
FC 2011-092969

10/17/2011

HONORABLE BENJAMIN R. NORRIS

CLERK OF THE COURT
L. Heinzmann
Deputy

IN RE THE MARRIAGE OF
JACQUELINE A SKAATES

LOUIS K LOMBARDO

AND

JOHN F SKAATES

GLORIA L CALES

DOCKET-FAMILY COURT-SE
FAMILY COURT SERVICES-CCC
DANIEL J CHRISTIANO
4115 E VALLEY AUTO DRIVE
STE 203
MESA AZ 85206

**CASE CONSOLIDATION
EVIDENTIARY HEARING ON TEMPORARY ORDERS SETTING
TRIAL SETTING**

8:36 a.m. This is the time set for Resolution Management Conference regarding a *Petition for Dissolution of a Non-Covenant Marriage (with Children)* filed June 22, 2011 and a *Petition for Dissolution of a Non-Covenant Marriage (with Minor Children)* filed by Respondent/Father under cause number FC2011-092991, which the Court shall treat as an answer to Petitioner/Mother's Petition. Petitioner/Mother, Jacqueline A. Skaates, is present and represented by the above-named counsel. Respondent/Father, John F. Skaates, is present and represented by the above-named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

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THE COURT FINDS that, pursuant to the Court's minute entry order of August 8, 2011, cause number FC2011-092991 was consolidated under FC2011-092969 for all future filings. On August 9, 2011, Father filed a *Motion to Consolidate Actions Under FC2001-092991*, which the Court granted.

IT IS ORDERED vacating the Court's August 12, 2011 minute entry order consolidating FC2011-092969 under cause number FC2011-092991 for all further proceedings.

IT IS FURTHER ORDERED consolidating cause numbers FC2011-092969, FC2011-092991 under cause number **FC2011-092969** for all further proceedings and filings.

IT IS FURTHER ORDERED that the case caption for cause number FC2011-092969 shall be reflected as shown above.

Discussion continues with the Court.

Based upon the parties' stipulation,

IT IS ORDERED appointing Daniel J. Christiano to conduct a limited family assessment in this case. Father shall pay 100% of the cost of the limited family assessment subject to reallocation at Trial or further resolution of this matter. A separate minute entry appointing Daniel J. Christiano shall issue.

Discussion continues with the Court.

Based upon the matters presented,

EVIDENTIARY HEARING ON TEMPORARY ORDERS

IT IS ORDERED setting an Evidentiary Hearing on December 2, 2011 at 9:00 a.m. (Time allotted: 1 hour) before the Honorable Benjamin Norris, Southeast Judicial District, 222 East Javelina Avenue, Courtroom 404, Mesa, Arizona, 85210.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination and any argument. **The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time** and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

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IT IS ORDERED any evidence intended to be submitted as exhibits at the time of the hearing must be brought to this Court's Clerk in Courtroom 404 **no later than 12:00 p.m. on November 30, 2011 with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to Courtroom 404 and must have colored paper separating the exhibits. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, at the time of the commencement of the hearing, **each party shall provide an extra copy of the exhibits for use by the Court during the hearing. This extra set of exhibits shall be noted to be the "Bench Copy".**

IT IS FURTHER ORDERED that the failure of either party to appear at the time of hearing, or to timely present the Joint Pre-Trial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits on or before **November 18, 2011.**
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than **November 18, 2011.**

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3. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

IT IS FURTHER ORDERED that Counsel for both parties shall confer at least thirty (30) days prior to the hearing to conduct settlement discussions, prepare a Joint Pre-Trial Statement in accordance with Rule 76(C)(1), Arizona Rules of Family Law Procedure, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case. Thereafter, the Joint Pre-Trial Statement shall be filed and a copy delivered to this Division by no later than **November 30, 2011**. Further, pursuant to Rule 76(C) (2), each party shall file with the Joint Pre-Trial Statement the following:

- a) An Affidavit of Financial Information on a form approved by the Court.
- b) If financial/property issues are in dispute, a detailed itemized inventory of property and debt in accordance with Rule 97, form 12, "Inventory of Property and Debt".
- c) A proposed parenting plan.
- d) A proposed parent's worksheet for child support.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-Trial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

TRIAL SETTING

IT IS ORDERED setting Trial to the Court on January 24, 2012 at 2:00 p.m. (Time allotted: 3 hours) before the Honorable Benjamin Norris, Southeast Judicial District, 222 East Javelina Avenue, Courtroom 404, Mesa, Arizona, 85210.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination and any argument. **The parties are expected to complete the trial in the allotted time, and the time**

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will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED any evidence intended to be submitted as exhibits at the time of the Trial must be brought to this Court's Clerk in Courtroom 404 **no later than 12:00 p.m. on January 17, 2012 with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to Courtroom 404 and must have colored paper separating the exhibits. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, at the time of the commencement of the hearing, **each party shall provide an extra copy of the exhibits for use by the Court during the hearing. This extra set of exhibits shall be noted to be the "Bench Copy".**

IT IS FURTHER ORDERED that the failure of either party to appear at the time of trial, or to timely present the Joint Pre-Trial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

IT IS ORDERED with regard to discovery and disclosure requirements:

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4. Both parties shall complete all disclosure requirements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits on or before **January 10, 2012**.
5. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than **January 10, 2012**.
6. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

IT IS FURTHER ORDERED that Counsel for both parties shall confer at least thirty (30) days prior to trial to conduct settlement discussions, prepare a Joint Pre-Trial Statement in accordance with Rule 76(C)(1), Arizona Rules of Family Law Procedure, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case. Thereafter, the Joint Pre-Trial Statement shall be filed and a copy delivered to this Division by no later than **January 17, 2012**. Further, pursuant to Rule 76(C) (2), each party shall file with the Joint Pre-Trial Statement the following:

- e) An Affidavit of Financial Information on a form approved by the Court.
- f) If financial/property issues are in dispute, a detailed itemized inventory of property and debt in accordance with Rule 97, form 12, "Inventory of Property and Debt".
- g) A proposed parenting plan.
- h) A proposed parent's worksheet for child support.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-Trial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

9:10 a.m. Matter concludes.

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All parties representing themselves must keep the Court updated with address changes.
A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.